

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HENRY TUCKER,

Plaintiff,

-v-

No. 19-CV-10289-LTS-RWL

SAKS FIFTH AVENUE LLC,

Defendant.

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ORDER

On April 23, 2020, Judge Woods granted the defendant's motion to dismiss in a case presenting substantially the same legal issues as in this case. See Dominguez v. Banana Republic, LLC, 1:19-cv-10171-GHW, 2020 WL 1950496 (S.D.N.Y. Apr. 23, 2020). The plaintiff in that case has appealed, and the Second Circuit has issued an order consolidating that appeal with several similar appeals, and confirming that an expedited briefing schedule will apply. See June 24, 2020 Order (Dkt. No. 32), Dominguez v. Banana Republic, LLC, No. 20-1559 (2d. Cir. 2020).

The interest of efficient use of judicial resources will be served by a stay of this action pending the Second Circuit's review of the consolidated appeals. Accordingly, it is hereby ORDERED that this action is stayed pending resolution of the appeal in Dominguez v. Banana Republic and consolidated cases. Defendant's motion to dismiss is denied without prejudice to renewal once the appeals are resolved.

The parties are directed to file a joint status letter by **September 30, 2020**, or within seven days of a Second Circuit opinion, whichever occurs first.

Docket Entry No. 19 is resolved.

SO ORDERED.

Dated: New York, New York
July 6, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge